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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,266	11/30/2001	Frank Kelly	PD-201065	4255

7590 08/12/2004

Hughes Electronics Corporation  
Patent Docket Administration  
P.O. Box 956  
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El Segundo, CA 90245-0956

EXAMINER
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NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 08/12/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/998,266

**Applicant(s)**

KELLY ET AL.

**Examiner**

Tu X Nguyen

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-9, 11-15, 17-21, 23-27 and 29-30, are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (US Patent 6,366,776).

Regarding claims 1, 13 and 19, Wright et al. discloses a method for automatically adjusting power level of a terminal in a radio communications system, the method comprising:

receiving a transmission burst from the terminal (see col.2 lines 30-32);  
determining power level of the transmission burst (see col.2 lines 30-32); and  
transmitting a message specifying the determined power level to the terminal (see col.2 lines 35-37).

Regarding claim 7, Wright et al. disclose adjustment in a radio communication system, comprising:

a transceiver (see col.1 lines 8-15 "uplink and downlink" reads on transceiver)  
configured to receive a transmission burst form a terminal (see col.2 lines 31-32); and

logic configured to determine power level of the transmission burst and to generate a message specifying the determined power level to the terminal (see col.2 lines 20-51).

Regarding claim 25, Wright et al. disclose everything as claim 1 above. More specifically, Wright et al. inherently disclose a computer-readable medium carrying one or more sequences of one or more instructions (see col.2 lines 20-50, the processing communications satellite systems and more particularly relates to coordination between the uplinks and downlinks of such system inherently require a computer-readable medium carrying one or more sequences of one or more instructions)

Regarding claims 2, 20 and 26, Wright et al. disclose the terminal selectively adjusts transmission power based upon the message (see col.2 lines 44-49).

Regarding claims 3, 9, 15, 21 and 27, Wright et al. disclose the transmission burst contains information on signal quality (see col.11 lines 50-55).

Regarding claims 5, 11, 17, 23 and 29, Wright et al. disclose the radio communications system is a two-way satellite communication system having a star topology (see fig.1, the satellite 100 acts as a central hub distributor between user terminals 400 and network operation center 300 corresponding to star topology).

Regarding claims 6, 12, 18, 24 and 30, Wright et al. disclose determining the step and the transmitting step are performed on a real-time basis (see col. 2 lines 32-33).

Regarding claims 8 and 14, Wright et al. disclose the terminal selectively (see col.26 lines 20-41) adjusts transmission power based upon the message (see col.2 lines 25-26).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 10, 16, 22 and 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al (US Patent 6,366,776) in view of Rostamy et al. (US Patent 6,330,431).

Regarding claims 4, 10, 16, 22 and 28, Wright et al. fail to disclose measuring signal-to-noise ratio of the transmission burst.

Rostamy et al. disclose measuring signal-to-noise ratio of the transmission burst (see col.4 lines 50-51). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wright et al. with the above teaching of Rostamy et al. in order to provide the use of an inverse impairment correlation matrix to obtain the necessary parameters, and to use of specific algorithms for calculating the burst quality as suggested by Rotamy et al. (see col.1 lines 39-41)

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### Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S Dean whose telephone number is 703-305-8998. The examiner, Tu Nguyen 703-305-3427, can normally be reached on 8:00-4:30AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

### Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

July 29, 2004

EDAN OIRGAP



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